

REMARKS/ARGUMENTS

The above Amendments and these Remarks are in reply to the Office Action mailed on June 28, 2004. An appropriate Petition for Extension of Time to Respond is submitted herewith, together with the appropriate fee. Claims 1-26 were pending. Claims, 1, 4, 17, 25, and 26 have been amended. Claims 1-26 are now pending.

I. Objection to Claim 25

Claim 25 was objected to because of informalities. Appropriate correction has been made.

II. Claim Rejections Under 35 U.S.C. §102(b)

Claims 1-3 were rejected under 35 U.S.C. §102(b) as being anticipated by *Kathail et al.* (U.S. Patent No. 5,802,365), hereinafter *Kathail*. Applicants respectfully traverse the rejection. Claim 1, as amended recites:

determining a device driver for the input/output device;

determining a class to which the device driver belongs;

utilizing configuration information in the device driver class to obtain information about how the device interacts with the computer system and how the device can be accessed; and performing a diagnostic test based on the information about how the device interacts with the computer system and how the device can be accessed that is obtained from the driver class

The claimed invention is a diagnostic method that utilizes information extracted from drivers and groups of drivers to determine how a particular piece of hardware is accessed. This information is then utilized to access the device for the purposes of diagnostic testing. This approach is

advantageous as it enables a diagnostic program to perform testing on a device without significant advance information about how it is accessed. The diagnostic program can utilize the information stored in the drivers to configure itself.

Kathail is deficient of any mention of utilizing information about how a device is accessed to perform a diagnostic test. Kathail, which discloses a system that configures an operating system, discloses configuring a driver and verifying that the driver is correctly configured. It does not utilize information from the driver to calibrate interaction with the device. The system of Kathail can only interact with a hardware device in a manner that is permitted by the drivers. It cannot go beyond the limitations of existing drivers or interact with the device when the drivers are not operative. Claims 4 and 26 recite similar functionality to claim 1.

Claim 17 and its respective dependent claims recite that the obtained information about the device is used to access the device independently of the driver. Kathail, which discloses testing and integrating drivers, is manifestly deficient of any mention of these features. The system of Kathail can utilize drivers to interact with a device, but cannot do so independently of the drivers.

In light of the above, applicants submit that the claimed invention is novel and request that the Examiner withdraw the rejections.

III. Obviousness Claim Rejections Under 35 U.S.C. §103(a)

Claims 4-26 are rejected under 35 USC 103(a) over Kathail in view of several secondary references. All of these rejections rely primarily upon Kathail, which, as discussed above, is deficient of key features of the claimed inventions. None of the other cited references cure its deficiencies. In

light of this, applicants submit that the claimed invention is patentably distinguishable over the cited art and request that the Examiner withdraw his rejections.

VI. Conclusion

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: November 19, 2004 By: 
Bryon T. Wasserman
Reg. No. 48,404

FLIESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800
Fax: (415) 362-2928
Customer No.: 23910